Conflict, Terrorism, and the Socialization of Human Rights Norms: The Spiral Model Revisited

Eran Shor, *State University of New York at Stony Brook*

This article examines the issue of state compliance with universal human rights norms, focusing on a social constructivist model suggested by Thomas Risse, Stephen Ropp, and Kathryn Sikkink (1999). This spiral model outlines five stages of socialization in which different forces work together to bring a change in the policies of repressive governments. I argue that the model suffers from three major theoretical shortcomings. It (1) is over-deterministic and idealistic in its proposition that once progress toward human rights compliance has started there is no turning back; (2) treats a country's human rights practices as a homogenous block and does not leave room for disaggregation of different practices; and (3) fails to sufficiently account for the role of serious conflicts and security threats in shaping state's repressive policies. Nevertheless, drawing largely on the Israeli case I show that the spiral model should not be discarded. When substantially modified and complemented with other socio-logical and international relations approaches, the model remains useful for understanding the processes of change in specific violations. Keywords: human rights, the spiral model, state repression, terrorism, Israel.

On December 11, 2006, following a petition filed by nine human rights organizations, the Israeli Supreme Court of Justice unanimously invalidated the state's expanded exemption from tort liability in the occupied territories. The exemption was part of the 2005 amendment to the "Intifada Law," legislated by the Israeli parliament. It blocked Palestinians from seeking compensation from the Israeli state for damages caused by its security forces, such as illegal gunfire, looting, and negligence in military training areas. This recent development joins an emerging discourse of human rights in the Israeli public arena (Ben-Eliezer 2003; Gordon 2005), legal system (Benvenisti 1994; Hajjar 1997), media (Gordon and Berkovitch 2007), and politics (Kemp and Reijman 2000; Shor forthcoming) during the last two decades. In some instances, the humanitarian discourse and legislation are echoed by a decrease in dis-criminatory and repressive policies (Lelyveld 2005; Ziv and Shamir 2000).

What forces drive such changes? Articles by political sociologists, appearing in the major sociological journals, have tended to focus on domestic politics and processes, and have largely neglected issues such as international wars and human rights (Hooks and Rice 2005). These fields were mostly left to international relations scholars. Traditional international rela-tions approaches suggest rational actor-oriented explanations for compliance with universal human rights norms. Realists argue that state leaders choose humanistic strategies in response to pressures from hegemonic powers (e.g., Krasner 1995). Liberals contend that leaders adopt these strategies mainly in order to win local support and secure themselves from future domestic threats such as nondemocratic opposition (e.g., Moravcsik 1997, 2000). During the last two decades, two new approaches, influenced by sociological thought and

stressing the role of social institutions, legitimacy, and norms, have emerged: neo-institution-alism and constructivism. Neo-institutionalist views (e.g., Meyer et al. 1997; Meyer, Nagel, and Snyder 1993) emphasize the search for social legitimacy as a central element in state action. Accordingly, states comply with human rights norms mainly in an effort to legiti-mize state action and reduce future uncertainty. Social constructivist scholars (e.g., Finnemore 1996, 2003) also recognize the importance of international legitimacy, but they adopt a more ideational approach. They talk about the moral strength of human rights ideas and the central role of nongovernmental actors in influencing states' decisions to comply with universal human rights norms.

Adopting a social constructivist approach, Thomas Risse, Stephen Ropp, and Kathryn Sikkink (1999) present a highly influential five-stage *spiral model*, outlining the stages and processes through which human rights norms become socialized into domestic settings. The model suggests that changes in the policies of violating governments are mainly driven by nonstate transnational actors. These actors form networks that apply normative pressures on governments, mainly through shaming and denunciation. At first, the pressures lead to empty rhetoric and some tactical concessions to the norms. However, with time, the moral power of the norms becomes binding and governments get caught up in their own rhetoric. Universal human rights norms achieve prescriptive status, become internalized, and begin to guide behavior.

This article evaluates the different explanations for human rights socialization, focusing on the constructivist spiral model. I argue that the model suffers from three fundamental the-oretical detriments, which significantly impede its applicability. First, I challenge the model's over-deterministic and idealistic arguments. The authors suggest that once states adopt the rhetoric of human rights and begin to move toward norm compliance, there is no turning back. I will demonstrate the weakness of this unidirectional argument and show its failure to predict the developments in a number of countries, including Israel. Secondly, the spiral model treats a country's repressive practices as a homogeneous conglomerate. Violations move forward uniformly towards norm compliance, or alternatively remain stagnant. This view prevents the model from accounting for differentiation in the practices and policies of a given country. Lastly, the model fails to account for the role of serious conflicts and security threats in shaping state's repressive policies. Such threats severely impede the power of human rights norms to bring a change.

Despite these serious theoretical faults, I argue that a modified version of the spiral model is highly useful in accounting for processes of norm socialization. Using the case of Israel as what Michael Burawoy (1991, 1998) calls an *extended case method*, I show that the main strength of the model lies not in explaining the general change in the behavior of a given country, but rather in accounting for the process of change in specific, at times isolated, violations. This claim is demonstrated in the Israeli case through three practices of human rights violations in the occupied territories: the erection of the barrier, torture, and human shields. All three practices were moderated in response to pressures from nongovernmental human rights networks and court intervention, in a process that partly corresponds with the predictions of the spiral model.

Israel serves as a strategic site for evaluating the spiral model and alternative explana-tions to norm compliance for a number of reasons. First, Israeli policies in the occupied terri-tories are a clear example of ongoing and acute human rights violations. Secondly, Israel is a small country, highly susceptible to external pressures from the international community. However, due to its geopolitical importance and its close relations with the United States, Israel has often been able to bypass these pressures and carry out repressive policies, as long as the United States approved of these measures. Thirdly, since its establishment, Israel has endured many external wars and severe security threats. During the last 20 years it has faced a violent Palestinian separatist campaign, which often resorted to terror attacks. In the post-9/11 era, with the war on terrorism replacing the cold war as the new major threat to human

rights principles and practices, the case of Israel becomes key to understanding the interplay between terrorism, counterterrorism, and human rights principles.

Finally, in studying the Israeli case I test for the first time the applicability of the spiral model to a norm-violating stable democracy. In the 1999 volume edited by Risse and colleagues and in subsequent research (e.g. Evans 2005; Santa Cruz 2004), the model was mostly applied to nondemocratic, nonindustrial and non-Western countries. Israel, on the other hand, is highly industrialized and is largely considered by most of the international community as a Western democracy. For this article, I adopt a procedural definition of democracy, focusing on the aspects of a multiparty political system, free and fair elections, separation of powers, and freedom of speech, gathering, and press (Dowty 1999; Smooha 2002). While some criticize this minimalist definition, especially as it relates to Israel (e.g., Kimmerling 1999; Yiftachel 1992, 1999), I believe that these procedural characteristics are especially important when trying to understand the processes of change and socialization at hand, and that they make Israel comparable to other democracies.

I open with a short description of the theoretical approaches to the adoption of human rights norms into domestic practices. Next, I expand on the constructivist spiral model and highlight its theoretical weaknesses. These weaknesses are then demonstrated by the Israeli case, which nevertheless also reveals the potential of the model in explaining norm compliance developments in specific violations. Finally, I evaluate the spiral model's applicability to other settings and to democracies in particular, and conclude with a call for more synthesis between different explanations for human rights compliance.

Theoretical Approaches to State Compliance with Human Rights Norms

The reemergence of human rights is a central characteristic of the globalizing world at the turn of the century (Held et al. 1999; Smith, Pagnucco, and Lopez 1998; Steiner and Alston 1996). Human rights, rarely discussed in international relations prior to World War II, were brought to the forefront with the United Nations (UN) Charter of 1945 and the UN Universal Declaration of Human Rights three years later. This initial momentum was obstructed by the rise of the cold war in the 1950s, but since the 1970s, and especially after 1989, in the aftermath of the cold war, the notion of universal human rights blossomed again. Human rights principles became highly influential in what Jack Donnelly (1999) calls "the global human rights regime" (p. 71). Within a few years, international attention to human rights violations increased dramatically (Berman, 1995; Levy and Sznaider 2004; Tsutsui and Wotipka 2004), and actual violations seem to decline (Brysk 2002; Clark 2001; Hafner-Burton and Tsutsui 2005).

Scholars of international relations and public policy pose a few prominent explanations for states' growing adoption of human rights discourse and practices in recent years. First, according to traditional realist approaches, norm-violating governments conform to human rights norms only when it is in their self-interest to comply with external pressures (Downs, Rocke, and Barsoom 1996). According to this view, compliance is the result of pressures from great powers: countries with superior economic, military, and/or political power. Compliance will increase when pressures are applied by a hegemonic state and the target state is weak internationally (Ikenberry and Kupchan 1990; Krasner 1995). Stephen Krasner (1993) argues that "the content of human rights issues that were at the forefront in various historical periods reflected the concerns of those states which possessed a preponderance of economic and military power" (p. 166). Accordingly, the recent spread of human rights norms across the globe is facilitated by the dominance of powerful democracies (the United States in particular), which force weaker countries to adopt their own moral standards.

A second actor-oriented approach to the spread of human rights norms is offered by scholars who stress the primacy of domestic liberalization (Doyle 1986; Hoffman 1995).

While realists stress power politics and assume that states do what they are forced to do, liberals believe that "what states want is the primary determinant of what they do" (Moravcsik 1997:521). According to Andrew Moravcsik (2000), states are not compelled to adopt humanitarian norms since human rights regimes are rarely enforced by interstate action. Rather, he argues, governments bind themselves in international commitments when this serves them against future domestic political alternatives. Human rights treaties are adopted primarily for domestic political survival. Liberals also argue that, as a rule, compliance would be stronger in democratic polities than in nondemocracies (Beetham 1999; Poe and Tate 1994), and that economic growth, modernization, and urbanization are positively correlated with human rights improvements (Brachet-Marquez 1992; Robinson 1995).

Both realist and liberal approaches are actor-oriented; they take actors (states) as the ontological givens and assume that their actions are guided by rational motivations and interests (Krasner 1999). During the late 1980s, two new approaches, largely influenced by sociological thinking, have emerged and gained considerable impact on the study of international politics: neo-institutionalism and constructivism. These new approaches take institutions and structures as the ontological givens. Relations between individuals, groups, and states are the result of institutional arrangements, and the interests of actors are determined by institutional and structural constrains. Sociological approaches emphasize the role of legitimacy and the force of discourse, norms, and ideas in shaping behaviors.

Neo-institutionalism, originally developed in organizational studies, asserts that social organizations, including states, tend to embrace elements that are considered as legitimate by their environments, even when these elements do not conform to rational organizational ends. In other words, neo-institutionalists emphasize that organizational structures and behaviors are shaped by the prevalent political ideas and social norms of a given time in history (DiMaggio and Powell 1983, 1991; Meyer and Rowan 1977). Since the late 1970s, neo-institutionalism has been applied to various social domains. One of the more influential extensions of this approach has been the study of international political processes, in what has come to be known as the world society or the world polity approach (Boli and Thomas 1999; Frank, Hironaka and Schofer 2000; Schofer and Meyer 2005). According to neo-institutionalists, states comply with human rights norms chiefly in order to acquire legitimacy. The norms are adopted not because they carry any intrinsic superior values, but rather in an effort to legitimize state action and reduce future uncertainty (Cole 2005; Hafner-Burton and Tsutsui 2005; Meyer et al. 1997).

While the neo-institutionalist approach holds clear advantages to the study of norms diffusion, it also leaves some substantial cavities. Research guided by this approach focuses on documenting the effects of world cultural structure, mainly through quantitative data analysis. It tends to neglect case study and historical analysis that may illuminate the intricate causes and fine mechanisms of human rights norms diffusion (Finnemore 1996). Furthermore, neo-institutionalism often fails to explain when states will violate global standards and when they will respect them (Hartigan 1992; Ron 1997). This failure is partly due to neo-institutionalists neglect of internal structures and processes, and the complex interactions between the global and the local spheres (Gordon and Berkovitch 2007). Social constructivists offer a complementary approach that fills some of these voids.

Similarly to neo-institutionalists, constructivist views emphasize the search for legitimacy as a main behavioral motive for institutional actors. States, like people, seek acceptance and legitimacy for their actions and comply with normative undercurrents of the world system (including human rights norms) in order to ward off processes of international shaming and denunciation. Much like the world polity approach, constructivists emphasize the role of international and domestic organizations and nongovernmental actors in facilitating normative change. However, unlike neo-institutionalism, constructivist theories have a strong ideal base. They emphasize the moral strength of universal human rights ideas and norms, and contend that human rights norms gain strength primarily because of their intrinsic universalistic

qualities, which resonate with basic principles of human dignity (Finnemore 1996, 2003; Keck and Sikkink 1998). For constructivists, humanitarian norms diffusion is not at all a smooth process, bound to eventually encircle the globe. Instead, it is a contested process, which must be constantly and actively pushed by social actors (mainly nonstate actors) in order to preserve its inertia.

The Spiral Model for Norms Socialization

Employing a constructivist perspective, Risse and colleagues (1999) offer a widely discussed *spiral model* for human rights socialization, a dynamic model in which interrelated processes influence and strengthen one another. In their path-breaking edited volume, they argue that changes in the policies of repressive governments result from a combination of pressures "from below" (domestic opposition NGOs) and "from above" (transnational social networks). Margaret Keck and Kathryn Sikkink (1998) call this interaction of pressures "a boomerang effect"—domestic groups in a repressive state bypass their state and find international allies that pressure the state from outside. The spiral model ascribes great magnitude to psychosocial factors in the process of change. Processes of shaming and denunciation lead first to strategic concessions. However, later on the changes acquire a binding status, as governments and people go through processes of internalization and habituation to the universal norms.

According to the spiral model, there are five phases to human rights change. In phase one, the target state extensively represses human rights, while opposition is too weak to pose significant challenge and international advocacy groups lack sufficient information on the repression. Phase two is characterized by initial activation of domestic and transnational networks that apply some pressure, denunciation, and shaming. The repressive governments, however, almost invariably respond with *denial*, not only that there is violation in this specific case, but denial of the mere validity of universal human rights norms. At this stage, governments often deny the legitimacy of international intervention, claiming that it interferes with their sovereignty. In phase three, as domestic and international pressures escalate, the norm-violating state seeks cosmetic changes in order to pacify the pressure. For that it may employ instrumental *tactical concessions* while still denying that its general policy is wrong. However, according to the model, once the change starts and governments begin to talk the human rights talk it is almost impossible to stop or regress. By now, the debate is no longer over the validity of international human rights norms, but rather over the violation of these norms in the specific case in question. In phase four, this debate also ceases, and there is no longer controversy over the violations. Repression may continue in practice, but there is a slow process of change, manifested by the *prescription of the norms* with the constitution of new laws, and later on by a change in actual behavior. This rule-consistent behavior occurs in the last phase, phase five, in which practices of *human rights violations decrease*.

In support of the spiral model, Risse and colleagues examine the processes of change in 11 norm-violating countries: Kenya, Uganda, South Africa, Tunisia, Morocco, the Philippines, Chile, Indonesia, Guatemala, Poland, and Czechoslovakia. Other studies used the spiral model to account for the norm socialization processes in countries such as Paraguay (Evans 2005), Nicaragua (Santa Cruz 2004), Argentina, and El Salvador (Sikkink 2004).

The spiral model offers important insights for the processes of change in states' repressive practices. It recognizes the gradual progression of change, the importance of discourse, and the central role of nongovernmental actors and laws. Nevertheless, the model suffers from a few major theoretical flaws. First, the model is over-deterministic. Risse and colleagues contend that once violating governments start to use human rights language and begin to adopt less repressive practices, there is no turning back and violations are bound to decrease. This optimistic unidirectional claim does not even apply for all the cases presented in the edited volume. Tunisia exhibited clear regression following its initial advancement towards less

repression. The authors acknowledge this deviation, but exempt it as the exception that testifies to the rule. However, other countries that are treated in the edited volume as "success stories" have, since its publication, shown significant regression. The Philippines (Jetschke 1999) and Uganda (Schmitz 1999) for example, are described as being in the fourth stage of the model and moving forward toward the fifth. But reports of Amnesty International during the 2000s[1] show a clear regression to severe governmental repression in both countries. In the Philippines, the situation improved until 1998, but domestic political instability, which included threats from armed communist insurgencies and from Muslim separatists, brought a significant deterioration in repressive policies, especially after 2003. Similarly, Uganda, since the 1986 victory of President Yoweri Museveni, seemed to be on the right track toward norm compliance. However, partly due to the severe conflict in the north of the country, the Museveni regime continues with acute human rights violations (including killings and torture practices), with repression increasing after 2002. Another blow to the unidirectional argument of the spiral model comes from the Indonesian case. Anja Jetschke (1999) and Risse and colleagues (1999) describe Indonesia as being in the third phase of the model (tactical concessions) and moving forward toward the fourth phase. But the 2000s once again negate this optimism, as human rights continue to be severely violated by the Indonesian government since the beginning of the new millennium, with no clear improvement in sight.

The second major weakness of the spiral model lies in its treatment of a country's repressive practices as a homogeneous block. According to Risse and colleagues (1999), countries uniformly move forward towards norm compliance. Thus, the model does not allow for variations in changes, and differentiation between separate violating practices. This view limits the ability of the model to account for decreases in some violations that are not echoed by parallel declines in others. Indeed, all too often, countries change some practices while retaining others or even exacerbating them. This fact is recognized by some of the contributions to the 1999 edited volume. For example, Stephen Ropp and Kathryn Sikkink (1999) report that in Guatemala, during the mid-1990s, the practices of torture, disappearances, and extrajudicial executions significantly decreased, but arbitrary arrests and detention without trial remained abundant, and in some of the years even increased. Similarly, during the 1990s and early 2000s, Morocco formed human rights institutions, began to cooperate with human rights organizations, abolished the practices of executions and disappearances, improved women's rights, and dramatically decreased the use of torture and arbitrary arrests. But following the 2003 terrorist attacks in Casablanca, new anti-terrorist laws were passed, and death sentences and torture were resumed, even as other violating practices continued to decrease.

This leads me to the third major weakness of the model: its failure to acknowledge sufficiently the role of serious conflicts and security threats in shaping states' repressive policies and in hindering norm compliance. When faced with such threats, countries give them precedence and human rights considerations lose ground. Conflicts that pose a threat to the nation and/or to its citizens make it easier for countries to justify severe repressive measures. Under such conditions, the power of human rights norms substantially decreases. Furthermore, following the attack on the World Trade Center in September 2001, and subsequent terrorist attacks in Spain, Britain, Turkey, and elsewhere, many Western democracies stiffened their counterterrorist policies. Thus, at least in the West, the war on terrorism replaces the Cold War as the new major threat to human rights practices.

In conclusion, the spiral model devised in 1999 is too crude, deterministic, and holds a somewhat naively optimistic view. It ignores the nuanced character of states' policies and the differentiation between different violating practices. Moreover, the model does not address the increase of the global terrorist threat at the beginning of the new millennium. However, as I will show later, when substantially modified and complemented by other approaches, the spiral

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1. Reports were gathered online at www.amnesty.org over a period of a few years.

model may still offer useful insights into the ways in which gradual changes in specific repressive practices take place. In the following section I examine the case of Israel and the occupied territories. This case illuminates the weaknesses of the spiral model, but also its strengths.

Israel and the Occupied Territories: A History of Repression

On June 5, 1967, Israel and its Arab neighbors launched a short but extremely influential war. During the next six days, the Israeli army conquered two territories highly populated by Palestinians—the West Bank from Jordan and the Gaza Strip from Egypt. When the war ended, Israel instituted a military occupation in these territories. However, as Lisa Hajjar (2001) distinguishes: "the Israeli state has never claimed nor sought the right to *represent* the Palestinians in the territories, only the right to *rule* them as long as the occupation continues" (p. 22; emphasis in original). Under the occupation, the territories became a "legal hybrid." The Palestinians were forced to endure a military regime, which breaches international conventions such as the Fourth Geneva Convention that deals with the protection of civilian population in time of war. Under the legal umbrella of Israeli courts, the state prioritizes Israeli (Jewish) interests over the rights of the Palestinians, and violates numerous basic human rights of the local Palestinians (Ardi 2003; Gordon and Marton 1995; Ron 2003).

In the following pages I look at Israel's repressive policies in the occupied territories, and at internal and external pressures to change these policies. I distinguish between three major periods: the first from the beginning of the occupation in 1967 to the first Palestinian uprising (Intifada) in 1987; the second between 1987 and the beginning of the second uprising in October 2000; and the third from 2000 to the present. This division is based on the degree of state repression, the level of activity of human rights organizations, and the changes in Israeli discourse concerning the occupation and the violations.

1967 to 1987: Ongoing Violations and Initial Pressures

During the first 20 years of the occupation repression was relatively moderate, but still distinct. Israel established a military regime, backed up by its legal and political systems, and systematically violated Palestinian rights. Shortly after 1967, the Israeli state began a massive expropriation of Palestinian lands under the pretense of security needs. In fact, many of these lands were soon after allocated to Jewish settlers, or captured by them with the help of the Israeli army, governments, and courts. The new settlements, along with the prioritization of the Jewish settlers and their needs, generated continuous violations of Palestinian rights, including the right for personal liberty, freedom of movement, and freedom of possession (Zertal and Eldar 2004). Still, during these first 20 years of the occupation, blunt violations of core human rights, such as the right to life and the right to avoid severe punishments (including executions) without a trial, remained relatively limited.

The exact figures of Palestinian human rights violations during these years are not available, mainly because domestic and international human rights organizations were still low-key and documentation is scarce. The first human rights organizations, established in the territories at the end of the 1970s, focused their critique on violations of international law (Hajjar 2001). The Israeli Association for Civil Rights, established in 1972, and Peace Now, established in 1978, began examining and criticizing Israeli violations of Palestinian rights, but their activity was endemic (even more so after 1982, when much attention was shifted to the war in Lebanon). The activity of international human rights organizations, such as Amnesty International, the Red Cross, and Human Rights Watch was also limited.

As predicted by the spiral model, Israel responded to accusations about violating Palestinian rights mainly with denial (Zertal and Eldar 2004). The model suggests that in the second

phase (denial), norm-violating states reject the validity of international human rights norms. However, norm-violating democracies prefer a different strategy of denial. Democracies, after all, have more to lose. Maintaining a place and sense of belonging to the international community of "civilized states" requires at least a façade of moral sensitivity and adherence to international norms. Indeed, Israel did not deny the validity of international covenants. For example, the state accepted the Fourth Geneva Convention (ratified in 1951), but claimed that the convention does not apply to the occupied territories, due to their unique status— territories that were not formerly under the sovereignty of an enemy state (Falk and Weston 1991). The Israeli Supreme Court backed up this interpretation, allowing Israel to enjoy both worlds: sustaining a military regime in an occupied territory on the one hand, while avoiding the restrictions required from an occupying country on the other.

While Risse and colleagues (1999) argue that violating states at first deny the mere validity of human rights, Israel's strategy has traditionally been more in line with the types of denial described by Stanley Cohen (1996, 2000). Cohen distinguishes between three forms of denial appearing intermittently in governments' official responses to allegations about human rights violations: literal denial ("nothing happened"); interpretive denial ("what happened is really something else"); and implicatory denial ("what happened is justified"). During the first 20 years of the occupation, Israel used mainly the first two kinds. It denied that human rights are actually being violated, claiming that the occupation actually benefited the Palestinians rather than hurting them. At the same time, as Idith Zertal and Akiva Eldar (2004) show, the state argued that the massive land expropriations and their redistribution to Israeli citizens do not violate the Fourth Geneva Convention, because the convention does not apply to the territories.

In sum, until 1987, human rights violations in the occupied territories were of lower caliber in comparison to the violations in the years that followed. The Palestinians, poorly organized and still under the impact of the 1967 sweeping defeat, hardly rebelled against their oppression. Local and international networks of human rights advocacies maintained a low profile, and Israel could delude itself that "nothing is happening." This state of affairs changed dramatically with the beginning of the first Palestinian uprising (Intifada).

1987 to 2000: The First Palestinian Uprising and the Oslo Accords

In December 1987, the Palestinians in the occupied territories launched a collective uprising against the occupation. In reaction, Israel sharply increased the level and severity of its repression. Massive land expropriation continued while other violations (such as limitations on movement and the use of administrative detentions, house demolitions, torture, and targeted killings) grew more frequent and severe (B'tselem 1999).

As predicted by the spiral model, the increase in human rights violations between 1988 and the early 1990s brought a significant revival in the Israeli human rights scene. Prominent local organizations such as B'tselem and the Public Committee Against Torture in Israel were established in 1989 and 1990, respectively. In addition, international human rights nongovernmental organizations (NGOs) substantially extended their level of activities in the region, as the Israeli section of Physicians for Human Rights (in 1988) and the Middle East section of Human Rights Watch (in 1989) were formed. The combination of universal human rights proliferation in the post-cold war era, and the deterioration in the occupied territories gave rise to unprecedented pressures on the Israeli government to cease the violations, in what Keck and Sikkink (1998) call "a boomerang effect." Pressures "from below" (domestic political opposition and human rights NGOs, which searched for international allies to bring outside pressure on Israel) and "from above" (transnational humanitarian advocacy networks of NGOs, social movements, and governments) combined and cooperated in order to bring a change in Israeli policies.

At first, Israel responded to the accusations with intensified denial. It adopted strategies of utilitarian justification ("we have to do it; more people would get hurt if we do not")

and denial of the victim (Israeli politicians and army officers often stated that "they started it, and they get what they deserve"). The first sign of change came in October 1991, when right-wing Prime Minister Yitzhak Shamir reluctantly agreed to attend a historical peace conference in Madrid. Shamir's concession was more a tactical one than a conscious change of policy toward the Palestinians. However, as predicted by the spiral model, once some concessions are made governments may find it harder to step back. In June 1992, partly under the influence of the new spirit of peace, the Israeli public elected the left-wing Labor party led by Yitzhak Rabin. During the same year, the Israeli parliament enacted the Basic Law of Human Dignity and Liberty, based on international norms and covenants of civil and human rights. It should be noted, however, that since the beginning of the occupation Israel has consistently avoided applying domestic and international human rights laws to the occupied territories. In line with this policy, the new law was also treated as not binding vis-à-vis the Palestinians, and therefore did not help to abate the violations of Palestinian rights.

In September 1993, a year after its election, the new Israeli government and the Palestinian leadership signed the Declaration of Principles in Oslo, outlining the route for putting an end to the conflict. The Oslo Accords brought significant changes to the local human rights arena. On the one hand, most violations of Palestinian rights dramatically dropped (see Table 1), as a peaceful solution to the conflict seemed to be at reach. On the other hand, the Oslo Accords and the negotiations between Israel and the Palestinian Authority that followed did not prioritize human rights, but rather issues of security and territory. Israeli violations, although reduced, did not in any way cease, and in fact some of them even increased (most notably closures). The Oslo Accords also led to the demise of the local human rights scene and of domestic and international pressures on Israel to cease violations (Hajjar 2001). As Risse and colleagues (1999) argue, often when the first signs of change appear pressures "from above" and "from below" tend to decline.

Still, as Table 1 demonstrates, the 1993 Declaration of Principles marked a significant change in human rights violations in the occupied territories. Despite the few setbacks just discussed, things seemed to move in the right direction, and many believed that further improvements in Palestinian human rights were only a matter of time. This optimism was shattered in October 2000, with the break of the second Palestinian uprising.

Table 1 • *Israeli Violations of Palestinian Human Rights, 1987 to 2005*

	Before the Declaration of Principles: December 9, 1987 to September 13, 1993	*After the Declaration of Principles: September 14, 1993 to April 30, 1999*	*Since the Beginning of the Second Uprising: September 29, 2000 to November 15, 2006*
Palestinians killed by Israelis	1162	364	3956
Palestinian *minors* killed	250	52	803
Demolition and sealing of houses as a punitive measure	897	28	666
Destruction of houses during searches for wanted persons	123	33	~3000
Arrests	~135,000 (estimated)	~15,000 (estimated)	No data
Deportation	481	0	32
Persons held in administrative detention	1794 (November 5, 1989)	75 (March 25, 1999)	1140 (April 2003)
Collective closures (number of days)[a]	59	482	~300

Source: B'tselem 1999 and 2006
Note: [a]Figures depend on city.

2000 to Present: The Second Uprising—Back to Denial

In October 2000, following the failure of the peace talks between Israel and the Palestinian Authority in Camp David, a new wave of violence erupted, much more acute than the first. Between October 2000 and November 2006, almost 4,000 Palestinians were killed by Israelis in the occupied territories and thousands more were wounded. At least 2,000 of those killed did not participate in the fighting (B'tselem 2006). Other violations, such as severe beating and abuses, collective closures, and house demolitions also greatly increased (see Table 1). During the second uprising Israel also manifestly expanded its policy of targeted killings without legal procedures. These killings are quite different from the covert killings of political leaders conducted by Israeli *Mosad* before the 1990s. The recent killings are rationalized as a form of anticipatory self-defense rather than an act of revenge, and the Israeli army and government take public responsibility for them (Colonomos 2006). However, while at first Israeli authorities justified this policy as necessary to prevent "clear and imminent terrorist threats" ("ticking bombs"), targeted killings were later expanded to include Palestinians considered responsible for planning or carrying out attacks on Israelis. In some cases, the killings had severe impacts on civilians. For example, during the assassination of Hamas military leader Salah Shehadeh on July 23, 2002, 14 civilians were killed (8 of them children) and 140 injured (Human Rights Watch 2002).

The new rise in Israeli violations reawakened domestic and international human rights pressure networks (Hajjar 2001). In response to these growing pressures, Israel resorted again to denial, justifying its violations with the indiscriminative Palestinian killings of Israeli soldiers and citizens. Between October 2000 and November 2006, the Palestinians have killed over 700 Israeli civilians, mostly inside Israel, and 316 Israeli security forces personnel. Many of these killings were the result of massive terror attacks (mostly suicide bombings) on Israeli civilians. The Israeli government and most of the Israeli public believe that this Palestinian violence justifies Israel's resorting to extreme measures in retaliation. Thus, the implicatory denial, discussed by Cohen (1996), reappeared: denial of the victim ("They started it and they got what they deserve") and advantageous comparisons to the other side ("Unlike the Palestinians, we do not deliberately attack helpless civilians"). Also in use is interpretive denial, attempting to present violations as minor and justified. This is done mainly by adopting euphemisms and jargon: torture is replaced with "moderate physical pressure"; assassinations without trial are termed "targeted liquidations"; massive collective house demolitions and the extraction of Palestinian agriculture are described as "stripping"; and the barrier, largely built on Palestinian lands, is called "a security separation fence."

These forms of denial are not unique to the Israeli government and public. Other Western states, confronted with similar dilemmas of sustaining humanitarian principles in the face of terror attacks, also resort to tactics of denial and dehumanization of the enemy, and so do non-Western states and entities, including the Palestinians, who often justify their violence with very similar terminology. Therefore, it is not my intention to pass judgment on the validity of the claims from either side, or assess the justification for specific actions. The nexus of terrorism and human rights can not be disregarded or treated with simplistic formulas, and is beyond the scope of this article (for more on these dilemmas see Ganor 2005; Gross 2006; Ignatieff 2002, 2004). Nevertheless, this should not prevent us from looking at the facts of the case at hand and addressing the processes in motion. Since October 2000, the general state of human rights in the occupied territories has severely deteriorated. The accomplishments of the Oslo Accords and the temporal decrease in violations that followed have all but vanished, and further improvements are not in sight.

Observing these developments, one may conclude that the spiral model fails to explain the Israeli case. Indeed, in light of the dramatic drawback in Israeli humanitarian practices, the optimism of the model and its strong belief in the power of ideas and norms seem nearly utopian. Realists may celebrate this as an example of a state, which backed up by the largest

world power, the United States, can avoid changing its practices. While this may be part of the picture, I believe that the general decrease in violations following the Oslo Accords resulted mainly from the temporal cessation of fire and the spirits of peace that prevailed at the time. Similarly, the resurrection of Israeli violations after October 2000 is largely the result of the Palestinian struggle and its violent methods rather than an American "license to kill."

What, then, should we do with the spiral model? Should it be discarded for its obvious flaws and its failure to explain the occurrences of the Israeli case, as well as its problems in fully accounting for other cases (Tunisia, Paraguay, the Philippines, and Uganda to name a few)? I argue for a different avenue. While the spiral model can hardly account for the entirety of the Israeli case, it is still useful in explaining the evolution and improvement of specific violations. It is in these individual practices that the processes delineated by the model, their sequence, and the role of nongovernmental actors, whom the model describes as the major agents of change, are manifested. In the following pages I demonstrate this by looking at three specific rights-violating practices from the Israeli case: The erection of the barrier, the practice of torture, and the use of Palestinians as human shields.

The Barrier

In June 2002, following the abrupt increase in Palestinian terror attacks, Israel began to erect a barrier along the entire West Bank, aimed at preventing uncontrolled entry of Palestinians into Israel. However, instead of building it on the "green line" (Israel's 1967 frontiers), most of the barrier was planed and set deep within the West Bank, often on lands expropriated from Palestinians. The original route was planned to annex de facto nearly 50 percent of the West Bank (B'tselem 2005). The barrier severely infringes the rights of the Palestinians, preventing thousands from reaching their fields and marketing their produce, driving them into extreme poverty. In all views, the erection of the barrier along its original route would have made these violations much worse. However, international and domestic pressures have largely managed to prevent this further deterioration.

In December 2003, following pressures from human rights NGOs, foreign governments, and domestic opposition, the UN general assembly adopted a resolution calling the International Court of Justice in The Hague to give an advisory opinion on the barrier's legal consequences. In the opinion, given in July 2004, the International Court pointed out that the restrictions placed on the local population located between the barrier and the green line are liable to lead to abandonment of the land. The court ruled that the barrier violates rights set forth in conventions to which Israel is party, such as the rights to freedom of movement, the right to work, and the right to an adequate standard of living (B'tselem 2005).

Israel's official response to the international court's opinion was dismissive. Nevertheless, the opinion clearly influenced both international and domestic atmosphere regarding the barrier, and pressures to stop the erection, or at least change the original route grew stronger. Moreover, the debates in the Hague seem to have affected the decisions of the Israeli Supreme Court of Justice. In February 2004, several Palestinian villages petitioned the Supreme Court in opposition to the route of the barrier planned for their area. An Israeli NGO, the Council for Peace and Security, joined the petitioners and suggested an alternate route that would significantly reduce the injury to local residents. In June 2004, the Supreme Court ruled that most of the barrier's route involved in the petition was illegal, and that the state must change the route. The court recognized the legitimacy of the state to build a barrier for security concerns. However, it contended that the state must choose a "proportionate" route, balancing between security and the inhabitants' rights (B'tselem 2005).

At this point, the Israeli government could no longer stay indifferent. Prime Minister Sharon directed Israeli defense establishment to review not only the route in question, but also the entire route of the barrier, and to conform it to the spirit of the court's judgment. The

defense establishment reluctantly complied. In September 2004, it proposed a new route to the Israeli government, which runs much closer to the green line (B'tselem 2005). The construction of the barrier was since suspended in many sites, and in others the route moved closer to the green line. In some of the cases, parts of the barrier already erected were dismantled in accordance with the Supreme Court's decisions. These changes show that pressure from human rights activists combined with court decisions may play an important role in altering states' violations.

Torture

The public debate over torture in Israel first aired in 1987, with the report of the Landau Commission, appointed to investigate the interrogation practices of the Israeli General Security Services (GSS). The report provided official confirmation that GSS agents had routinely used violent interrogation methods since at least 1971 (Hajjar 2000). The Landau Commission attempted to reconcile between its view of torture as necessary for Israel's fight against terror and its awareness that democracies must stand fast against the use of torture. It concluded that Israel should establish a regulatory mechanism for the use of what the committee termed "a moderate measure of physical pressure" (Gross 2004).

During the late 1980s and throughout the 1990s, under the euphemism of "moderate physical pressure" (also known as "torture light"), the GSS carried out widespread and systematic practices considered under international conventions as torture. Interestingly, the nature of these practices changed substantially at some point during 1991 to 1992. However, as James Ron (1994, 1997) observed, the change was not in the number of detainees interrogated and tortured, but rather in the methods employed. Attempting to achieve international legitimacy for its actions, Israel began to use less traceable methods of violence during interrogations. Discrete methods of interrogation often replaced more brutal and straightforward ones.

Unlike other violations, the use of torture did not reduce after the signing of the 1993 Oslo Accords. Rather, since September 1994, the Israeli government gave the GSS "special permissions" (which were later routinely extended) to use "enhanced physical pressure" (Ginbar 1997). The GSS used this permission to intensify the use of torture, and applied it to thousands of Palestinian detainees. According to official estimations, the GSS interrogated between 1,000 and 1,500 Palestinians annually. About 85 percent of them were subjected to torture: sensory isolation, sleep deprivation, beating, and violent shaking (Ginbar 1998).

The Israeli Supreme Court has had a pivotal role in shaping the state's torture policy. Over the years, the Court has heard dozens of appeals by Palestinian detainees complaining of physical and psychological methods of "pressure" applied by GSS interrogators. On several occasions the court issued temporary interim injunctions, prohibiting the GSS from using certain measures. However, in all cases where the state appealed against such injunctions, the Supreme Court sided with it, permitting the GSS to use torture (Ginbar 1997). With time, criticism of the Israeli torture policy increased and both domestic (B'tselem; The Public Committee Against Torture in Israel [PCATI]) and international (Amnesty International; the Red Cross) human rights NGOs amplified their pressures. In September 1999, these pressures finally proved fruitful. In response to a petition by PCATI, the Supreme Court determined that ticking bombs may not underwrite a sweeping policy of torture. It therefore ruled that, absent definitive legislation, and except for "exceptional circumstances," the routine of moderate physical pressure must be avoided (Gross 2004).

Has there been a practical change in the torture of Palestinians by Israel since the norms that rule out torture gained prescriptive status in 1999? According to Joseph Lelyveld (2005), who quoted staff members from B'tselem, there has been. Jessica Montell, B'tselem's executive director, said that since the ruling of the Supreme Court, Israel has adopted a new restrained approach despite the second Palestinian uprising and the significant increase in

terror attacks on Israelis. The number of Palestinian prisoners who are now interrogated using "special methods" has been reduced to a few dozen a year (compared with a few hundred during the 1990s). In addition, the severity of pain inflictions has significantly decreased. Interrogations are videotaped and are run by more than one investigator, and any use of physical force during interrogation has to be approved by superior levels.

The developments in torture discourse and practices since 1987 demonstrate the spiral model in action. First, we may discern the first two stages of the model: severe violations (torture of thousands each year) and denial in its interpretive (euphemisms) and implicatory (necessity and utilitarian rationales; denial of the victim) forms. Next came the third stage, with intense pressures from human rights networks and an increasing domestic discourse opposing torture. The fundamental change, however, came in 1999, with the ruling of the Israeli Supreme Court. This ruling marked a transition to the fourth stage, in which human rights norms gain prescriptive status. Finally, in the years that passed since the decree of the Supreme Court, there has been a partial move to the fifth stage, the stage of rule-consistent behavior, with the decrease in Israeli torture practices.

Still, one may question the irreversibility of this process. Two recent reports suggest that the new procedures may be eroding. First, according to *Haaretz* daily newspaper (Hason 2006), PCATI officials bring testimonies from Palestinian detainees who complain that GSO investigators are gradually "crawling" back to using some of the old methods of moderate physical pressure, and in some cases even adopt new methods of torture light. Quite like it did at the beginning of the 1990s (Ron 1997), the GSO has once again begun to employ more discrete methods of violence during interrogations. The second report comes from B'tselem (2007) and the Center for the Defense of the Individual. According to this report, during late 2005 many Palestinian detainees were subjected to various methods of violence, which included beating and painful binding at the hands of security forces personnel from the moment of arrest until being transferred to GSO agents.

Following both of the reports, Israeli officials responded with denial: "It is unfortunate that the PCATI does not miss any opportunity to attack the GSO, which turns nights into days in order to prevent and save human lives, with groundless claims" (Hason 2006). The "B'tselem report is full of errors, groundless accusations and imprecision. . . . The investigations are carried out according to the law and procedures, and are being monitored regularly" (Waked 2006). These recent developments show that even when the spiral model reaches its final stages of prescriptive status and rule consistent behavior, backlashes and denial may still occur.

Human Shields

After the beginning of the second uprising in October 2000, the Israeli army substantially increased its use of Palestinian civilians as human shields during operations in Palestinian population centers. Violating article 27 of the Fourth Geneva Convention, the army routinely coerced civilians to perform life-endangering acts that assisted military operations (Human Rights Watch 2002). Civilians were forced to remove suspicious objects from roads, walk in front of soldiers to shield them from gunfire, and enter buildings to check if they are booby-trapped. The practice that drew most of the media attention is "the neighbor procedure" (*nohal shachen*), in which the army used Palestinian civilians to order "wanted" Palestinians to leave their houses to be arrested. On August 14, 2002, this practice led to the death of nineteen-year-old Nidal Abu Mukhsan, who was shot by a Hamas activist after he was coerced to approach the latter's house and order him to surrender (B'tselem Report 2006).

As with the practices of the barrier and of torture, it was Israeli and international human rights organizations who led the fight against the human shields practice. On May 5, 2002, seven local human rights organizations petitioned the Israeli Supreme Court against the army's use of Palestinian civilians as human shields. The state responded almost immediately

with what one may call a tactical concession. It announced that "without taking a position on the accuracy of the complaints, and so as to avoid all doubt" the army will stop using civilians as human shields (Blass 2002:1). However, the state also declared that it will continue to use the neighbor procedure, and in fact did not stop other practices as well. Following the death of Nidal Abu Mukhsan, in August 2002, the seven human rights organizations petitioned again to the Supreme Court, and this time the Court decided to issue a temporary injunction forbidding the army to use the neighbor procedure.

Once again, the state attempted to bypass the Court's ruling by using interpretive denial. In its response to the Court, from December 2002, the state declared that the army no longer uses Palestinians as human shields but only "is assisted by residents to prevent the loss of life" (B'tselem 2006). It also claimed that the neighbor procedure was now replaced by a new "less endangering" practice, the prior warning procedure. But human rights organizations were far from convinced. On August 2004, they filed a contempt of court ordinance, requesting that the Court order the army to comply with its previous ruling. The Supreme Court concurred and, in October 2005, it ruled out the prior warning procedure.

These developments demonstrate once again that parts of the spiral model are helpful in understanding the progression of specific human rights. Pressures by human rights networks (in this case mostly local) first yielded state denial, but later pushed the state to respond with tactical concessions and the Supreme Court to give the norms prescriptive status. But once again we are faced with the question of moving beyond the fourth stage of the model, that of prescriptive status, and into the fifth stage, that of actual compliance. As is the case with the barrier and with torture, there have been some improvements in army practices since the Supreme Court's last ruling. However, since the army had in the past violated the Court's interim injunctions, it remains to be seen if the current ruling will be better implemented.

Furthermore, even if the practice of human shields eventually ceases, the norm-internalization explanation remains questionable. Constructivists argue that the moral power of universal human rights is bound to overcome obstacles and eventually determine a decrease in violations. However, there are to date no signs that the Israeli state, army, or public are moving towards such recognition of the moral validity of the rights. Many in the political system, the army, and the secret services harshly criticized the rulings of the Supreme Court in the practices of the barrier, torture, and the use of human shields. They claim that these rulings jeopardize national security and the lives of Israeli citizens and soldiers. The renewed degradation in the practice of torture suggests that the norms have not been internalized. In the eyes of most Israelis, as long as these practices are justified with the need to fight Palestinian terrorism, they remain what Michael Ignatieff (2004) calls "a lesser evil."

Discussion: The Spiral Model and the Israeli Case—Lessons and Implications

Research on the factors that induce states to comply with human rights norms has grown substantially over the last two decades. This article examined one of the most prominent explanations for this development, the constructivist spiral model (Risse et al. 1999). The major faults of this model are clearly exposed by the case of Israel. First, the model is too crude in treating violations as a unified block. Different violations are not inseparable, and a decrease in some violations can occur while other violations grow concurrently. During the late 1990s, for example, some Israeli violations (killings of innocent Palestinians, house demolitions, and deportation) decreased, while other violations (e.g., expansion of Israeli settlements) continued, and some (closures, limitations on freedom of movement) significantly increased. Similarly, during the second uprising, targeted killings and house demolitions came into massive use, but torture practices decreased significantly and deportations to foreign countries ceased. A similar segmentation may be found in other violating countries.

In addition to the examples of Guatemala and Morocco, discussed above, differentiations in repressive practices may also be found in Russia, Turkey, and Paraguay during the 1990s and 2000s. Clearly, state violations must not be treated as a conglomerate.

The second significant drawback of the spiral model lies in its unidirectional and deterministic view of human rights socialization processes. According to Risse and colleagues (1999), once a given state has stopped denying the validity of human rights, the moral power of the rights becomes binding. Going back to denial ceases to be an option, and violations are bound to eventually decrease. The Israeli case, however, demonstrates that a backlash to more severe violations and to denial is certainly plausible. While in the 1990s it seemed like there was no way to move but forward, since the beginning of the second Palestinian uprising Israel has severely aggravated both its violations and its denial of these violations. Again, this pattern is not unique to the Israeli case. Rebecca Evans (2005), who studied the case of Paraguay, found that during the late 1970s the Stroessner regime began to use human rights rhetoric and adopted tactical concessions, decreasing some repressive policies. However, when the Reagan administration came into power in 1981, U.S. human rights policies lost ground to cold war considerations, and the Stroessner regime felt confident enough to abandon its humanitarian façade and resume its repressive policies. These developments offer some support for the realist view, arguing that states will not comply with human rights norms unless they are pressured to do so by great powers.

Tunisia presents another example for this pattern. Human rights rhetoric and significant human rights improvements during the late 1980s were soon followed by a backlash of violating practices (Gränzer 1999). Risse and colleagues (1999) see this setback in the Tunisian case as the exception that proves the rule. They explain this by noting the lack of sufficient normative pressures from domestic groups and the fact that Tunisia had skipped the second phase of the model, that of denial. These post-hoc explanations, however, are hardly sufficient. If the moral power of human rights is indeed as strong as constructivists argue, then once governments have started to "talk the human rights talk" and some concessions were made, there should be no room for retraction. Furthermore, this argument demonstrates the somewhat circular reasoning of the spiral model. Rolf Schwartz (2004) recognizes that the model does not specify the level of pressures that would suffice to bring the socialization process to its conclusion. Rather, the decision whether these pressures are sufficient or not seems to be derived from the end result. Any case of failure and backlash can be explained post factum with the relative weakness of transnational human rights networks. As discussed earlier in this article, regressions to repressive practices following initial improvements also occurred in the Philippines, Indonesia, and Uganda. Taken together, these examples demonstrate that the rhetorical recognition of human rights validity and the adoption of tactical concessions may often be followed by marked regressions rather than further progression.

The third major weakness of the spiral model lies in its overarching claims. The model does not specify the scope of its generalization and fails to indicate countries and conditions to which it may not apply. One set of such countries are political and economic superpowers such as Russia and China, or states that enjoy geopolitical importance, such as Pakistan and Saudi Arabia. Pressures from human rights networks in these countries have only minor effects on state policies. While Israel may be another example of a state with geopolitical centrality, it is also an example of a second set of countries for which the model fails to work in full: states that suffer from intense political conflicts, most notably wars and large insurgency campaigns. Under such conditions states find it much easier to justify (to themselves and to the international community) the violation of human rights, and thus the power of human rights norms significantly weakens. While the global human rights regime has meaningful consequences, it is seriously undermined when confronted by severe conflicts and security threats. Russia, for example, has justified severe human rights violations since the late 1990s with the need to fight Chechnyan terrorism. Similarly, Turkish repression of Kurdish rights exacerbated significantly during the late 1980s and the early 1990s, following the formation

of the PKK (i.e., the Kurdistan Workers Party) and its subsequent terror attacks. Other salient examples include the bloody fight of Sri Lanka's government against the Tamil separatist movement and the repressive response of the Algerian government to fundamental Islamic terrorism since 1992. In all of these cases, the ability of human rights networks to achieve major changes through normative pressures is highly limited by the presence of intense domestic conflicts.

Considering these serious theoretical flaws of the spiral model, some may suggest its total relinquishment. However, I advocate for a different path. Following Burawoy (1998), I believe that case studies should not be used to reject good theories, but to modify, elaborate, and improve them; to strengthen theories rather than to refute them. What Burawoy (1991) calls the *extended case method* emerges "not through induction of new theory from the ground up but through the failure and then *reconstruction of existing theory* (p. 6; emphasis in original). The Israeli case demonstrates that a modified spiral model offers an insightful account of the processes of change in specific violating practices. The Israeli practices of erecting the barrier, torture, and human shields were significantly moderated, mainly in response to pressures from nongovernmental human rights networks. Furthermore, the change followed a path that coincides with most of the spiral model's predictions and the stages it delineates.

Sonia Cardenas (2004) identifies a recent call in international relations theory for a comprehensive approach. She talks about a move toward theoretical synthesis between rationalist perspectives that emphasize power and self-interest and constructivist views that stress the power of norms and nonstate actors. Other scholars have also called for a dialogue between rationalist and constructivist approaches (Checkel 1997). Kevin Hartigan (1992) discerns that "[s]erious consideration of the role of humanitarian norms and institutions in policymaking does not require the abandonment of an interest-based, rational actor model of policy analysis" (p. 709). Taking a similar path, I wish to suggest that realist and liberal approaches are often useful in explaining why countries continue to carry out violating practices. Realist views, which emphasize the role of external pressures from great powers, must be considered when looking at the Israeli case. The need to win support and legitimacy from the United States is undoubtedly a main determinant of Israeli policies. Liberal views also offer some important insights on the dynamics of states' repressive policies. The emphasis of liberal approaches on regime type and the rule of law, which I discuss more broadly later, are especially relevant to the Israeli case.

That said, the Israeli case also demonstrates the limitations of power and rationalist self-interest approaches in explaining instances where violating practices actually decrease. Realist views seem especially weak in accounting for the abatement of violations in the Israeli case. Over the years, the United States has stood fast by Israel, providing it with ample political, economic, and military support. This ardent support may have allowed Israel (contrary to South Africa, for example) to avoid proceeding beyond the stage of tactical concessions. Yet, it can hardly explain the change in the barrier's route (in fact, the U.S. backed Israel's objection to addressing the case of the barrier to the International Court in The Hague). Neither can this constant support account for the decrease in violations such as torture and the use of human shields. In all these, the primary leaders of change were international and domestic human rights NGOs and courts. Furthermore, the process of change in these three practices corresponds with the one delineated by the spiral model. First, we may find an exacerbation of the practice, followed by state denial that it is violating human rights, or a claim that violations are justified (phase one). Pressures from domestic and transnational human rights networks were first replied by intensified denial or minor tactical concessions (phases two and three). However, once the pressures succeeded to mobilize courts and reach prescriptive status they brought a decrease in the violating practices (phases four and five).

While these developments offer support for the spiral model, they also reveal once again the limitations of the original model. First, there is clearly still room for regression, as the recent developments in Israeli torture practices demonstrate. Thus, the criticism presented

above regarding the unidirectional determinism of the model holds true for specific violations not just for the overall policy of a given country. Moreover, the improvements are mainly the result of the Supreme Court's rulings rather than the Israeli government and public becoming convinced that the violations are morally wrong. Politicians, army officials, and journalists openly denounced the Supreme Court's rulings in the practices of the barrier, torture, and human shields, and claimed that these rulings put Israel in danger.

Constructivist views also fail to explain why human rights pressures succeed in decreasing some violations at specific times while failing to do so with other violations or with the same violations in other countries. In the occupied territories, along with some prominent successes, human rights networks have largely failed in abating other violating policies, such as targeted killings, collective closures, and land expropriations. The practice of house demolition as a punitive and deterring measure is especially interesting in this sense. This practice, widely used since 1967, reached a peak during the first and second Palestinian uprisings. In February 2005, the Israeli army decided to stop using this practice, and since then it has been almost obsolete. However, this decision did not result from the pressures of the international community or human rights networks, but rather from the report of a special army committee that found house demolitions to be ineffective as a measure of deterrence. Constructivist explanations, then, while holding great promise for delineating the process of human rights norms appropriation, are sometimes over-idealistic. They tend to ascribe universal human rights norms more power than they actually possess, especially when the moral power of these rights stands vis-à-vis grave international and domestic conflicts.

This shortcoming is partly addressed by neo-institutionalist and world society approaches (e.g., Cole 2005; Meyer et al. 1997). Like constructivists, neo-institutionalists recognize the central role of nongovernmental individuals and organizations in the global dissemination of human rights. They also believe that the search for legitimacy is crucial in directing state discourse and action. However, unlike constructivists, world society views do not see the moral power of human rights as the leading force behind their global diffusion. Rather, they emphasize processes of imitation and external pressures. Indeed, the current study has shown that constructivists may be somewhat too idealistic and tend to overemphasize the power of human rights norms. That said, world society approaches also suffer from a few shortcomings, most notably their neglect of domestic state processes and structures, and the interaction of these processes with the world polity. Constructivist views, the spiral model in particular, consider these interactions more carefully. They delineate the specific ways in which human rights enter different domestic arenas and outline the ways in which they further diffuse once they are introduced into the local sphere (see also Gordon and Berkovitch 2007; Keck and Sikkink 1998). It seems then, that the combination of both sociological approaches—constructivism and world society—with the insights of traditional actor-oriented views, offers a more encompassing picture of the processes at hand.

Still, one must notice that both constructivists and neo-institutionalists share a somewhat unidirectional and deterministic perception of human rights dissemination. Like constructivism, the world polity approach tends to de-emphasize the power of local forces and circumstances that oppose or hinder human rights diffusion. It also neglects global developments such as the recent "war against terrorism," which may counter the human rights regime and rein its effects. The Israeli case, as well as other cases discussed above, direct our attention to these factors and call for a less deterministic analysis of these intricate processes. We must consider more seriously countering conditions such as grave domestic conflicts and terrorist campaigns when trying to understand the complex process of human rights dissemination.

The Spiral Model and Democratic Regimes

Constructivist views often deemphasize the role of regime type, which is central to liberal views (e.g., Beetham 1999; Poe and Tate 1994). In their edited volume, Risse and

colleagues (1999) examine a variety of violating countries: Kenya, Uganda, South Africa, Tunisia, Morocco, Indonesia, the Philippines, Chile, Guatemala, Poland, and Czechoslovakia. Later studies looked at Paraguay, Nicaragua, and El Salvador. These countries, while strikingly diverse in their geographical regions, socioeconomic systems, and cultures, are (or were at the times the studies refer to, mostly the 1970s and the 1980s) nondemocratic, nonindustrial, and not considered part of the West. The countries that Risse and colleagues term as "success stories" (Poland, Czechoslovakia, South Africa, and Chile, which have all reached the fifth stage of the spiral model) are the ones that gradually became democracies.

But what happens when a country that is already widely recognized as a Western industrial democracy systematically violates human rights? Do the processes of pressure and change work in similar ways? The Israeli case suggests that they do to some extent. As with the other cases, Israel went through some stages of the spiral model: repression and activation of human rights networks, denial, some tactical concessions, and for some of the violations, the acquisition of prescriptive status and some norm-consistent behavior. The forces driving the move between the stages were also those that Risse and colleagues describe. International, and especially domestic, human rights NGOs were highly influential in promoting the human rights discourse. The combination of domestic and international political opposition created a "boomerang effect" and formed human rights networks.

Yet, the socialization of human rights norms in democracies also carries some distinct characteristics. First, the role of domestic courts is especially salient in democracies, as most democracies adopt the principles of checks and balances between the different branches of government. In fact, I suggest that in norm-violating democracies the success of human rights networks in changing state policies largely depends on their ability to mobilize domestic courts to support their position. Since the beginning of the occupation, Israeli courts have had a pivotal role in allowing and legitimizing human rights violations in the occupied territories (Zertal and Eldar 2004). However, as this article demonstrated, domestic courts are also focal in the decline of violations such as torture and human shields.

A second unique characteristic of democracies is that they have more at stake because of the privileges that come with being recognized as a democracy. Thus, democracies cannot sweepingly deny the validity of human rights norms. Although Israel reacted to allegations regarding human rights violations with denial, it does not explicitly refuse to accept the mere validity of international human rights norms. Ropp and Sikkink (1999) describe a similar case: during the 1970s and 1980s in Chile, General Pinochet could not deny the validity of human rights norms given the country's democratic tradition. Another kind of denial, which is less common in Israel and in democracies at large, is what Cohen (1996) calls literal denial ("nothing is happening"). The fact that the media in democracies has ample access to information and to scenes where violations occur usually makes literal denial ineffective.

Finally, while democracies seem more susceptive to international pressures, they are also substantially more resistant to such pressures. In the Philippines (Jetschke 1999), Chile (Ropp and Sikkink 1999), Poland, and Czechoslovakia (Thomas 1999), dramatic improvements in human rights policies occurred once the authoritarian government was replaced by a democratic one. But in well-established democracies, changes of government do not have such a dramatic effect. In Israel, there were five significant changes of government between the beginning of the first uprising in 1987 and 2007. The country was led throughout this period by three right-wing governments (led by Shamir, 1987 to 1992; Netanyahu, 1996 to 1999; and Sharon, 2001 to 2006), two left-wing governments (led by Rabin and Peres, 1992 to 1996; and Barak, 1999 to 2001), and one government of the political center (Olmert since 2006). Yet, these changes hardly affected human rights practices in the occupied territories. For example, in June 1992, shortly after its election, the left-wing labor government, led by Rabin, deported 415 Palestinians to Lebanon, more than the number of Palestinians deported during the preceding 15 years, in which the right-wing likud party was in power. Similarly, the deterioration of October 2000 came under left-wing Prime Minister Barak (labor).

In conclusion, this article supports the recent move toward theoretical synthesis of different explanations for human rights socialization in domestic practices. Within this trend, the constructivist spiral model is useful in understanding the process in which specific and isolated violations decrease. Yet, when trying to asses the overall developments of human rights norms in a given country, and the forces that work to prevent compliance with these norms, alternative approaches must also be seriously considered. As for Israel, it is not the sole democracy violating human rights. Neither is it the only one threatened by terror attacks and forced to find ways to fight it while minimizing human rights violations. Western democracies such as Spain, England, and especially the United States face similar dilemmas, and this study supplies significant lessons for them. For example, human rights advocates seeking to bring a change in U.S. torture policies may be particularly interested in the role human rights NGOs and the Supreme Court took in reducing Israeli torture practices.

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